IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WA.No. 2313 of 2007

AGAINST THE JUDGEMENT IN WPC.27547/2005 DATED 3.7.2007

APPELLANT: 2ND RESPONDENT

STATE OF KERALA REPRESENTED BY ITS
SECRETARY TO GOVERNMENT,
COASTAL SHIPPING & TRANSPORT DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

BY SPECIAL GOVERNMENT PLEADER SRI.C.T.RAVIKUMAR

RESPONDENTS: PETITIONERS & 1ST RESPONDENT IN THE WP
---

1. SHIPPING & NAVIGATION WORKERS UNION
(AITUC), TRADE UNION HOUSE, CANNON SHED ROAD,
KOCHI-31, REPRESENTED BY ITS GENERAL SECRETARY,
K.VIJAYAKUMAR.

2. KSINC, EMPLOYEES FEDERATION (INTUC),
KSINC FERRY TERMINAL ERNAKULAM,
REPRESENTED BY ITS GENERAL SECRETARY,
K.P.HARIDAS.

3. KSINC EMPLOYEES ASSOCIATION,
KSINC FERRY TERMINAL, ERNAKULAM (CITU)
REPRESENTED BY ITS GENERAL SECRETARY,
K.Y.MEHBOOB.

4. KERALA SHIPPING & INLAND NAVIGATION
CORPORATION LTD., GANDHI NAGAR, COCHIN-21,
REPRESENTED BY ITS MANAGING PARTNER.

BY ADV. SRI.DEEPU THANKAN
SRI.VAKKOM N.VIJAYAN,SC,KS & INC LTD.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 3/10/2007, ALONGWITH W.A.NOS.2336 & 2380 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A.NOs. 2313, 2336 & 2380 OF 2007

Dated this the 3rd October, 2007

JUDGMENT

H.L.DATTU, C.J.

State is the aggrieved person. It has presented these Writ Appeals questioning the correctness or otherwise of the common order, dated 3rd July, 2007, passed by the learned single Judge while disposing of W.P.(C) No.27547 of 2005 and connected matters.

2. The learned Judge while disposing of the Writ Petitions has relied upon the observations made by a Bench of this Court in **Kavirajan** v. **K.S.B.C. Ltd,** (2007 (2) KLT 917).

3. That was a case filed by one of the employees working in Kerala State Bewerages Corporation, which is fully owned by the State of Kerala. The Board of Directors of the Corporation, on the request made by the employees of the Corporation, had enhanced the age of retirement of the employees working in the Corporation from 55 to 58. When the matter was placed before the State Government for its approval of the resolution passed by the Board of Directors, the State Government had rejected the same. Aggrieved by the action of the State Government, one of the employees of the Corporation was before this Court in W.P.(C) No.36864 of 2003. A Bench of this Court by its order dated 19th March, 2007, was pleased to hold, that the action of the State Government in rejecting the resolution passed by the Board of Directors of the Corporation is not only arbitrary but also violative of Article 14 of the Constitution and accordingly quashed the orders passed by the State Government and was further pleased to hold that the employees of the Kerala State Bewerages Corporation are entitled to

continue in service till they attained the age of 58 years, as decided by the Board of Directors of the Corporation.

4. In the instant case, the petitioners are employees of the Kerala Shipping & Inland Navigation Corporation Limited (Corporation for short). The said Corporation is also fully owned by the State of Kerala. The Board of Directors of the Corporation have resolved to increase the age of retirement of its employees from 55 to 58 years. As was done in the earlier case, the Board of Directors had placed the papers before the State Government for approval of their resolution. The State Government has rejected the same, in the name of having a uniform policy in the entire State of Kerala for all the employees working both in Government as well as in Public Sector undertakings and also in the Corporation.

5. The facts and the issues involved in these Writ Petitions are identical with the facts and issues involved in *Kavirajan's case.* The learned single Judge has thought it fit to apply the dicta laid down in the said decision and allow the Writ Petitions.

6. Questioning the correctness or otherwise of the orders passed by the learned single Judge, the State is before us in these appeals.

9. It is now settled legal position that a decision of a Division Bench of this Court is binding on the co-ordinate Bench. We find no reason to differ from the view expressed by a Division Bench of this Court in *Kavirajan's case*. In that view of the matter, we are inclined to hold that the learned single Judge has not committed any error whatsoever while following the dicta laid down by a Bench of this Court in *Kavirajan's case*. In that view of the matter, we do not see any good ground to interfere with the impugned common order passed by the learned single

Judge. Therefore, all these appeals require to be rejected and accordingly they are rejected.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/DK.